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PRESIDENT ORDERS CURBS IN HANDLING OF CLASSIFIED DATA

Disciplining Indicated for U.S. Employees Who Refuse to Take Lie Detector Test

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WASHINGTON, March 11 — President Reagan issued an order today tightening procedures for the handling of classified information by Federal employees, and, as a result, many more employees will have to sign secrecy agreements.

The directive says employees throughout the Government are required to cooperate with Federal agents investigating unauthorized disclosures of classified information.

It said further that an agency might decide "adverse consequences will follow an employee's refusal to cooperate with a polygraph examination."

Disciplining Is Possible

Such consequences, the Justice Department said in a document explaining the President's directive, could include disciplinary action against the employee, including possible dismissal from the Government. But Justice Department officials said the results of a test by polygraph, or lie detector, must be considered in the light of evidence obtained from other sources.

The Reagan order establishes, for the first time, a standard policy on the use of polygraph machines at all agencies. In the past, although many agencies had access to classified information, only a few, including the Justice Department and the intelligence agencies, had formal policies on the use of such devices.

For a long time only the Central Intelligence Agency used them, as a regular security check instrument on all its employees.

Challenged as Unreliable

Civil libertarians and other critics have challenged the use of polygraphs on the ground that they are unreliable. Polygraph results are generally not admissible as evidence in Federal courts

in criminal cases, according to Justice Department lawyers.

President Reagan said in his directive, "Safeguarding against unlawful disclosures of properly classified information is a matter of grave concern and high priority for this Administration."

The directive also requires Federal agencies to adopt policies for contacts with journalists "so as to reduce the opportunity for negligent or deliberate disclosures of classified information," adding that all employees must be "clearly apprised of the agency's policies in this regard."

Action Is Not Made Specific

Mr. Reagan's directive does not specify what steps a Federal agency should take to investigate the disclosure of classified information to journalists. The Justice Department said there would be "no change in the current practice of targeting investigations at employees who are suspected of disclosing classified information, rather than at journalists who publish it."

The Justice Department document said, "Unlawful disclosures of classified information damage national security by providing valuable information to our adversaries, by hampering the ability of our intelligence agencies to function effectively and by impairing the conduct of American foreign policy."

A Reagan Administration spokesman said he could not cite a specific example of damage to national security. "When we confirm the information, it compounds the damage," said the official, who briefed reporters at the Justice Department on the condition that he not be named.

John Shattuck, director of the Washington office of the American Civil Liberties Union, said: "This is a sweeping order that goes far beyond any prior use of lie detector tests by the Federal Government. It raises serious constitutional questions because those who refuse to take the test can have adverse action taken against them."

'Witch Hunt' Is Feared

He said the order was "aimed at curtailing the free flow of information" and could lead to "a privacy-invading, potential witch hunt of the first order."

The Administration official who briefed the reporters said that "many more employees will have to sign agreements" promising not to disclose classified information. However, he said he did not know the number of employees who now must sign such pledges or the number who would have to do so as a result of the Reagan order.

Steven Garfinkel, director of the Information Security Oversight Office at the General Services Administration, the Government's supply and warehousing

agency, said 60 Government agencies and hundreds of thousands of Federal employees had access to classified information. However, he said he did not know how many had already signed secrecy agreements.

Mr. Reagan's directive says certain employees with access to highly classified information must sign, in addition to the secrecy agreement, a promise to submit manuscripts to the Government for review before publication. The purpose of such a review is to avoid the disclosure of classified data to which a person gained access while working for the Government.

The effect of the order would reach not only current Government employees, but also every former employee who had signed such a contract.

Wording Stressed for Use in Court

Under the Reagan order, both secrecy agreements and arrangements for the review of manuscripts must be in a form that could be enforced in court through civil lawsuits filed by the Government. The Supreme Court, in 1980, upheld the Government's power to require "prepublication review" in a case involving Frank W. Snepp 3d, a former Central Intelligence Agency officer who had written a book about the Vietnam War.

Employees who have knowingly disclosed classified information or who refuse to cooperate with the investigation of such disclosures must, at the very least, be denied further access to classified data, the Reagan order says.

The Reagan order requires Federal agencies to adopt new procedures so that unauthorized disclosures will be investigated more systematically. An agency must examine any disclosure of classified information that it views as "seriously damaging to its mission and responsibilities."

Morton H. Halperin, a former Defense Department official who is now director of the Center for National Security Studies, a project of the American Civil Liberties Union, said that the Reagan order "proposes a censorship system that will cut off most of the information that Americans rely on to understand foreign affairs — namely, the writings and testimony of former Government officials" who had access to highly classified information.

Congress, he said, should approve legislation to limit the scope of the President's order.